

ORDINANCE NO. 99 - 51

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 99-93 COM 1 (FLAVOR/HAGEN), MODIFYING PAGE 93 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 15 ACRES GENERALLY LOCATED ON THE NORTHWEST CORNER OF HAGEN RANCH ROAD AND THE FUTURE EXTENSION OF FLAVOR PICT ROAD, FROM LOW RESIDENTIAL, 3 UNITS PER ACRE (LR-3), TO COMMERCIAL LOW, WITH AN UNDERLYING 3 UNITS PER ACRE (CL/3), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on June 11, 18 and 25, July 9, August 13, and November 19, 1999 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 28, August 17 and 24, 1999 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized

1 transmittal of proposed amendments to the Department of Community  
2 Affairs for review and comment pursuant to Chapter 163, Part II,  
3 Florida Statutes; and

4 WHEREAS, Palm Beach County received on November 16, 1999 the  
5 Department of Community Affairs "Objections, Recommendations, and  
6 Comments Report," dated November 12, 1999 which was the Department's  
7 written review of the proposed Comprehensive Plan amendments; and

8 WHEREAS, the written comments submitted by the Department of  
9 Community Affairs contained no objections to the amendments contained  
10 in this ordinance;

11 WHEREAS, on December 13, 1999 the Palm Beach County Board of  
12 County Commissioners held a public hearing to review the written  
13 comments submitted by the Department of Community Affairs and to  
14 consider adoption of the amendments; and

15 WHEREAS, the Palm Beach County Board of County Commissioners has  
16 determined that the amendments comply with all requirements of the  
17 Local Government Comprehensive Planning and Land Development  
18 Regulations Act.

19 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
20 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

21 Part I. Amendments to the Future Land Use Atlas of the Land Use  
22 Element of the 1989 Comprehensive Plan

23 The following amendment to the Land Use Element's Future Land Use  
24 Atlas is hereby adopted and is attached to this Ordinance:

25 A. Future Land Use Atlas page 93 is amended as follows:

26 Application No.: 99-93 COM 1 (FLAVOR/HAGEN)

27 Amendment: From Low Residential, 3 units per acre (LR-  
28 3), to Commercial Low, with an underlying 3  
29 units per acre (CL/3);

30 General Location: On the northwest corner of Hagen Ranch Road  
31 and the future extension of Flavor Pict

Road;

**Size:** Approximately 15 acres;

**B. Conditions:** This parcel is subject to the following conditions:

1. A maximum gross square footage of 120,000 on the site, of which there shall be:
  - a) a maximum of 100,000 square feet of retail use, of which there shall be a supermarket with a minimum of 50,000 square feet and a maximum of 56,000 square feet; and
  - b) a minimum of 20,000 square feet of office.
2. A minimum of two pedestrian pathways (one to the west and one to the north) landscaped with shade trees, and one vehicular access shall be provided to establish interconnectivity with the immediately adjoining residential land.
3. A minimum 60 foot wide landscape buffer along Hagen Ranch Road and a minimum 50 foot wide landscape buffer along Flavor Pict Road shall be installed by the developer. No encroachment of any easements or reductions permitted.
4. The height of the buildings shall be limited to 35 feet measured from finished grade to highest point.
5. The following uses, as defined in the Palm Beach County Unified Land Development Code, shall be prohibited on the site:
  - a) Restaurant, fast food;
  - b) Lounge, cocktail;
  - c) Entertainment, indoor;
  - d) Adult Entertainment;
  - e) Automotive Service Station;
  - f) Repair and maintenance, general;
  - g) Convenience Store, with or without gas sales.
6. If a retail center including a supermarket is not under construction within four years from the effective date



1 of this amendment, County staff shall bring to the  
2 Board of County Commissioners for initiation as land  
3 use amendment, the subject property to designate the  
4 site as Low Residential-3 (prior designation).

5 Part II. Repeal of Laws in Conflict

6 All local laws and ordinances applying to the unincorporated area  
7 of Palm Beach County in conflict with any provision of this ordinance  
8 are hereby repealed to the extent of such conflict.

9 Part III. Severability

10 If any section, paragraph, sentence, clause, phrase, or word of  
11 this Ordinance is for any reason held by the Court to be  
12 unconstitutional, inoperative or void, such holding shall not affect  
13 the remainder of this Ordinance.

14 Part IV. Inclusion in the 1989 Comprehensive Plan

15 The provision of this Ordinance shall become and be made a part  
16 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
17 Ordinance may be renumbered or relettered to accomplish such, and the  
18 word "ordinance" may be changed to "section," "article," or any other  
19 appropriate word.

20 Part V. Effective Date

21 The effective date of this plan amendment shall be the date a  
22 final order is issued by the Department of Community Affairs or  
23 Administration Commission finding the amendment in compliance in  
24 accordance with Section 163.3184, Florida Statutes, whichever occurs  
25 earlier. No development orders, development permits, or land uses  
26 dependent on this amendment may be issued or commence before it has  
27 become effective. If a final order of noncompliance is issued by the  
28 Administration Commission, this amendment may nevertheless be made  
29 effective by adoption of a resolution affirming its effective status,  
30 a copy of which resolutions shall be sent to the Department of

1 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,  
2 Tallahassee, Florida 32399-2100.

3 APPROVED AND ADOPTED by the Board of County Commissioners of Palm  
4 Beach County, on the 13 day of December, 1999.

5 ATTEST:  
6 DOROTHY H. WILKEN, Clerk

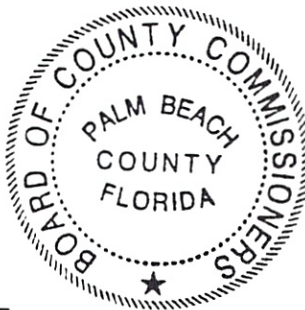
PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

7 By: Joan Wilken  
8 Deputy Clerk

By: Maudie Ford Lee  
Chair

9 APPROVED AS TO FORM AND  
10 LEGAL SUFFICIENCY

11 Robert P. [Signature]  
12 COUNTY ATTORNEY



13 Filed with the Department of State on the 23rd day  
14 of December, 1999.

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## EXHIBIT 1

Future Land Use Atlas page 93 is amended as follows:

**Amendment No.:** 99-93 COM 1 (Flavor/Hagen)

**Amendment:** From Low Residential, 3 units per acre (LR-3) to Commercial Low, with an underlying 3 units per acre (CL/3).

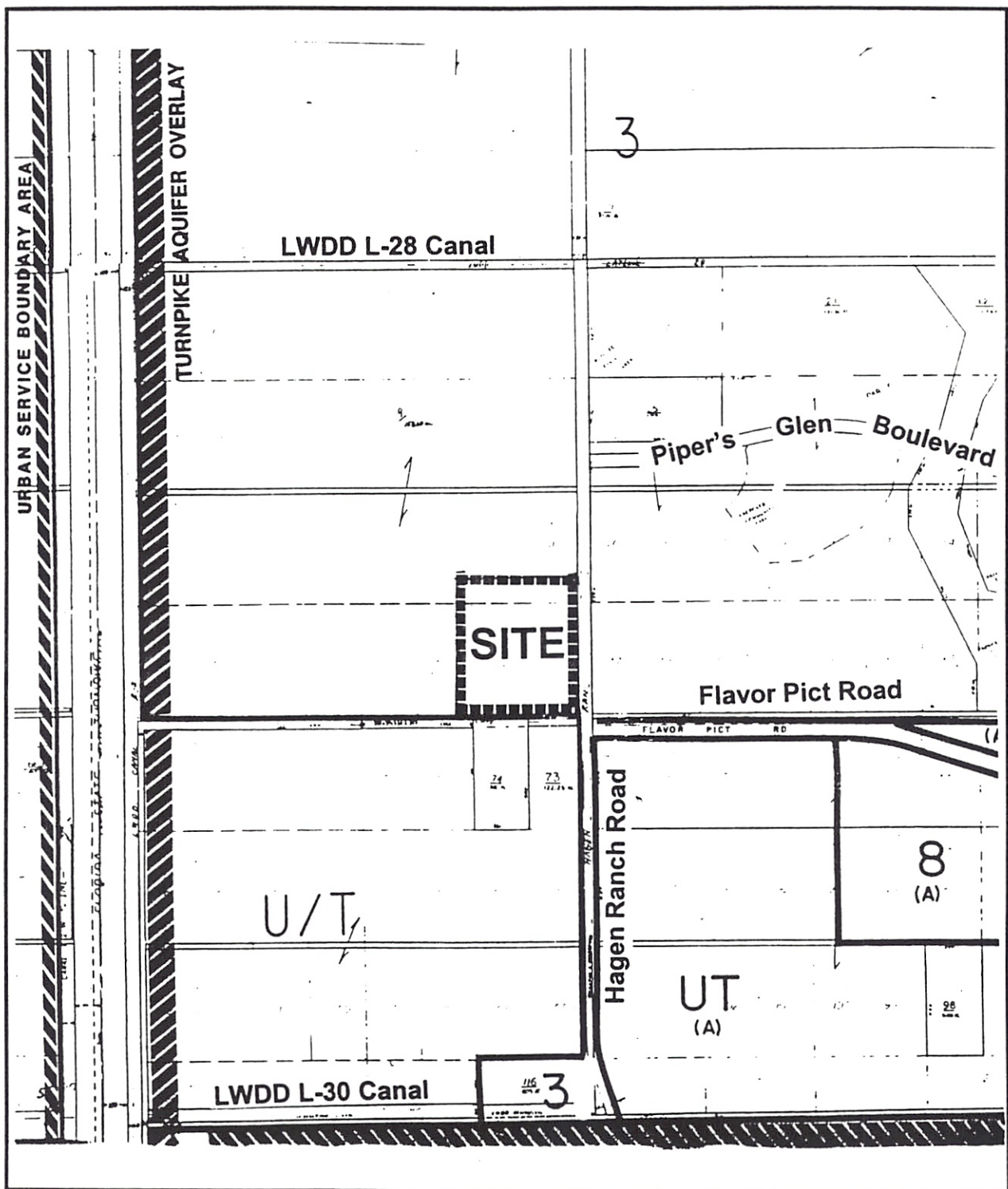
**Location:** On the northwest corner of Hagen Ranch Road and the future extension of Flavor Pict Road.

**Size:** Approximately 15 acres

**Property No.:** 00-42-43-27-05-077-0090 (a 15 acre portion of a 158.60 acre parcel, see legal description)

**Legal Description:** See attached

**Conditions:** See attached



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**CONDITIONS:**

1. A maximum gross square footage of 120,000 on the site, of which there shall be:
  - a) a maximum of 100,000 square feet of retail use, of which there shall be a supermarket with a minimum of 50,000 square feet and a maximum of 56,000 square feet; and
  - b) a minimum of 20,000 square feet of office.
2. A minimum of two pedestrian pathways (one to the west and one to the north) landscaped with shade trees, and one vehicular access shall be provided to establish interconnectivity with the immediately adjoining residential land.
3. A minimum 60 foot wide landscape buffer along Hagen Ranch Road and a minimum 50 foot wide landscape buffer along Flavor Pict Road shall be installed by the developer. No encroachment of any easements or reductions permitted.
4. The height of the buildings shall be limited to 35 feet measured from finished grade to highest point.
5. The following uses, as defined in the Palm Beach County Unified Land Development Code, shall be prohibited on the site:
  - a) Restaurant, fast food;
  - b) Lounge, cocktail;
  - c) Entertainment, indoor;
  - d) Adult Entertainment;
  - e) Automotive Service Station;
  - f) Repair and maintenance, general;
  - g) Convenience Store, with or without gas sales.
6. If a retail center including a supermarket is not under construction within four years from the effective date of this amendment, County staff shall bring to the Board of County Commissioners for initiation as land use amendment, the subject property to designate the site as Low Residential-3 (prior designation).



**LEGAL DESCRIPTION:**

A PORTION OF TRACTS 41, 42, 43, 54, 55 AND 56, BLOCK 64, PALM BEACH FARMS COMPANY PLAT No. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 56, BLOCK 64; THENCE NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 64, A DISTANCE OF 960.69 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 814.55 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 19 SECONDS WEST, A DISTANCE OF 816.90 FEET, TO A POINT ON A LINE THAT IS 23.80 FEET NORTHERLY OF, AND PARALLEL TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF FLAVOR PICT ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 750.95 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 11 SECONDS EAST, A DISTANCE OF 57.62 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG A LINE THAT IS 20.37 FEET WESTERLY OF AND PARALLEL TO THE EXISTING WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 280.11 FEET; THENCE NORTH 12 DEGREES 30 MINUTES 15 SECONDS EAST, A DISTANCE OF 50.23 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 22 SECONDS EAST, ALONG A LINE THAT IS 29.50 FEET WESTERLY OF AND PARALLEL TO THE EXISTING WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, A DISTANCE OF 123.70 FEET; THENCE NORTH 02 DEGREES 00 MINUTES 24 SECONDS EAST, A DISTANCE OF 322.79 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 653,400.00 SQUARE FEET OR 15.00 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on December 13, 1999.  
DATED at West Palm Beach, FL on 1/4/00.  
DOROTHY H. WILKEN, Clerk  
By: H. Lane Brown D.C.